

A 35 223 PCT/US

DECLARATION FOR PATENT APPLICATION

Attorney Docket: 24356

As a below-named inventor(s), I/we hereby declare that:

My/Our residence(s), post office address(es) and citizenship(s) is/are as stated below next to my/our name(s).

I/We believe I/we am/are the original inventor, first and sole (if only one name is listed below) or the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed, and for which a patent is sought on the invention entitled: Method for the treatment of diseases or disorders of the inner ear the specification of which: (check one)

☐ is attached hereto.

☒ was filed on 23 February 1999 as Serial No. PCT/EP99/01153
22 August 2000 and was amended on 09/622,719
19 (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application as defined by 37 CFR § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications:

198 07 426.3

(Application No.)

Germany
(Country)

23 / 02 / 1998 Priority Claimed
(Day/Month/Year Filed) ☒ Yes ☐ No

(Application No.)

(Country)

/ / (Day/Month/Year Filed) ☐ Yes ☐ No

(Application No.)

(Country)

/ / (Day/Month/Year Filed) ☐ Yes ☐ No

14 We hereby appoint Gary M. Nath, Reg. No. 26,965; Harold L. Novick, Reg. No. 26,911; Suet M. Chong, Reg. No. 38,104; Todd L. Juneau, Reg. No. 40,669; Patricia M. Drost, Reg. No. 29,790; Lee C. Helman, Reg. No. 41,827; Jerald L. Meyer, Reg. No. 41,194; Joshua B. Goldberg, Reg. No. 44,126; David Milligan, Reg. No. 42,893 and Robert G. Lev, Reg. No. 30,280; David R. Murphy, Reg. No. 22,751; Paul A. Sacher, Reg. No. 43,418; Gregory B. Kang, Reg. No. 2-45,273; Scott F. Yarnell, 2-45,245, as my attorneys to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

Direct Telephone Calls to:

Gary M. Nath
(202) 775-8393

Send Correspondence to:
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Sixth Floor
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Washington, D.C. 20005 U.S.A.

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by 35 U.S.C. § 112, first paragraph, I/we acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(U.S. Application Serial No.) (U.S. Filing Date)

(Status--patented, pending, abandoned)

(U.S. Application Serial No.) (U.S. Filing Date)

(Status--patented, pending, abandoned)

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We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole or first inventor: Hubert LOEWENHEIM

Inventor's Signature Hubert Loewenheim

Date 23.08.2000

Residence: D-72076 Tuebingen, Germany

DEX

Country of Citizenship: Germany

Post Office Address: Philipp-von-Heck-Strasse 1, D-72076 Tuebingen, Germany

Full name of second inventor: _____

Inventor's Signature _____

Date _____

Residence: _____

Country of Citizenship: _____

Post Office Address: _____

Full name of third inventor: _____

Inventor's Signature _____

Date _____

Residence: _____

Country of Citizenship: _____

Post Office Address: _____

Full name of fourth inventor: _____

Inventor's Signature _____

Date _____

Residence: _____

Country of Citizenship: _____

Post Office Address: _____

#3

A '35 223 PCT/US

Atty. Docket No. 24356

Applicant/Patentee: Hubert LOEWENHEIMSerial/Patent No.: 09/622,719Atty. Dkt No. 24356Filed on/Issued on: 22 August 2000For: Method for the treatment of diseases or disorders of the inner ear

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR § 1.9(d) AND § 1.27(b)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

☐ The owner of the small business concern identified below:☒ An official of the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN Otogene AktiengesellschaftADDRESS OF CONCERN Vor dem Kreuzberg 17, D-72070 Tuebingen, Germany

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.8-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under 35 USC § 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement: (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled Method for the treatment of diseases or dis- by inventor(s) Hubert LOEWENHEIM described in: orders of the inner ear

☒ The specification filed herewith☐ U.S. Application Serial No. 09/622,719 August 22, 2000☐ U.S. Patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a non-profit organization under 37 CFR § 1.9(e).

FULL NAME _____

ADDRESS _____

☐ Individual ☐ Small Business ☐ Non-Profit

*NOTE: Separate Verified Statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR § 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the Issue Fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Verified Statement is directed.

NAME OF PERSON SIGNING Dr. Hubert LöwenheimDr. Christof AntzTITLE OF PERSON SIGNING Scientific AdvisorDir. of Research and DevelopmentADDRESS OF PERSON SIGNING Philipp von Heck Str.Schwärzlocher Str. 6072076 Tübingen72070 TübingenSignature LoewenheimDate 23.08.2000